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August 11, 2008

BY FACSIMILE: (212) 805-6382

Honorable Victor Marrero
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007-1312

USDS SDNY
DOCUMENT
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DATE FILED: 8-26-05

Re: Gretchen Harris and Bianca Harris by M/N/G Gretchen Harris v. City of New York et al., 08 CV 6115 (VM)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter on behalf of defendant City of New York. In that capacity, I write to respectfully request a sixty-day enlargement of time, from today until October 13, 2008, within which City defendant may answer or otherwise respond to the complaint. Plaintiffs' counsel, Gregory Antollino, Esq., does not consent to the instant request, rather he advised me that he "will consent to whatever extension the Court deems appropriate." This is the first request for an enlargement of time.

In the complaint, plaintiffs allege that they were falsely arrested/imprisoned on January 17, 2008, assaulted and subsequently maliciously prosecuted. In addition to the City of New York, plaintiffs name several unidentified New York City Police Officers as defendants. Before we can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. An enlargement of time will allow this Office to forward to plaintiffs for execution authorizations for the release of records sealed pursuant to New York Criminal Procedure Law § 160.50. Pursuant to that statute, all records concerning the arrests and prosecutions of plaintiffs were sealed by court order upon the termination of the criminal action in favor of plaintiffs. In addition, because plaintiffs are claiming physical and/or psychological injuries, an enlargement of time will allow this Office to forward medical releases to plaintiffs so that we can secure the relevant medical records. City defendant cannot obtain these records

without these authorizations, and without the records, City defendant cannot properly assess this case or respond to the complaint. Accordingly, City defendant requires this enlargement so that this Office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill our obligations under Rule 11 of the Federal Rules of Civil Procedure.

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration herein.

Respectfully submitted,




Brian Francolla
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Gregory Antollino, Esq. (By fax)
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Request granted.
Defendants' time in
which to answer or other-
wise respond to the Complaint
is extended to October
13, 2008.

SO ORDERED
Date:



RICHARD J. SULLIVAN
U.S.D.J.
8/15/08